

REMARKS/ARGUMENTS

The rejection presented in the Office Action dated October 23, 2007 (hereinafter Office Action) has been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, and in an effort to facilitate prosecution, Applicant has amended the independent claims to explicitly characterize that the terminal is a radio terminal of a radio system that communicates with the system via a wireless radio connection including a return channel. As these limitations were already present, or at least implicit, in original independent Claims 1, 14 and 20 and the return channel was present in original Claim 25 with further support in the Specification, for example, at paragraphs [0013], [0053] and [0054], the changes do not introduce new matter. Each of the claims is believed to be patentable for the reasons set forth below.

Neither of the asserted references, U.S. Patent No. 5,916,024 to Von Kohorn (hereinafter "Von Kohorn") or U.S. Patent No. 5,905,523 to Woodfield *et al.* (hereinafter "Woodfield"), teaches or suggests at least the use of a terminal of a radio system as claimed. In addition to Von Kohorn failing to teach a wireless connection to a terminal, Von Kohorn's response unit 22 (asserted as corresponding to the claimed radio terminal) is not a terminal of a radio system. Instead, the response unit 22 is a part of a remote receiving station 18 where an audience member can enter a response and receive a record of such response (*see, e.g.,* column 15, line 4 *et seq.*). Also, the asserted handset 11 of Woodfield is not a terminal of radio system. Rather, the handset 11 communicates via the infrared connection to the local controller 8 (*see, e.g.,* column 5, lines 24-37). Thus, neither of the asserted references teaches or suggests the claimed use of a terminal of a radio system. Without correspondence to each of the claimed limitations, the rejection based upon the asserted combination of Von Kohorn and Woodfield would not be proper. Applicant accordingly requests that the rejection be withdrawn.

Moreover, the asserted combination of references also fails to teach transmitting response data from a terminal through a radio system as was originally claimed in Claim 25. Contrary to the assertion at page six, the cited portion of Von Kohorn does not teach transmitting response data through a radio system. Rather, transmission link 1404 is one of telephone, broadcast, and cable, which are all wired transmission media. Von Kohorn further teaches at Col. 47, lines 49-51 that communication link 1520 may use the same transmission cable as link 1404; however, communication link 1520 is connected to a receiving station and not the response unit (asserted terminal). As discussed above, Woodfield also does not teach transmitting response data through a radio system as the handset of Woodfield communicates via an infrared connection. Thus, neither of the asserted references teaches or suggests the claimed transmission of response data via a radio system which would also render the rejection improper. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2-13, 15, 16, 21-24, 32 and 33 depend from independent Claims 1, 14, 20 and 31, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Von Kohorn and Woodfield. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims above. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-13, 15, 16, 21-24, 32 and 33 are also patentable over the asserted combination of Von Kohorn and Woodfield.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art,

obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

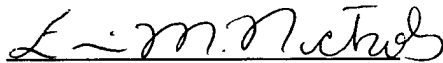
It is also noted that new Claim 34 has been added. Support for the claim may be found in the Specification, for example, in Figs. 12 and 13 and their corresponding discussions at paragraphs [0060] through [0065]; therefore, the claim does not introduce new matter. Claim 34 is believed to be patentable over the asserted references for the reasons set forth above in connection with the pending independent claims.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.073PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: January 21, 2008

By: 

Erin M. Nichols
Reg. No. 57,125